

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE
CONCORD DIVISION**

LILLIAN BERNIER

Plaintiff,

v.

No. 1:23-CV-00523-lm-aj

TURBOCAM, INC.; HEALTH PLANS, INC.;
HARVARD PILGRIM HEALTHCARE OF
NEW ENGLAND, INC.,

Defendants.

DECLARATION OF MARIAN NORONHA

I, Marian Noronha, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am president of Turbocam, Inc. I submit this declaration in that capacity and in my capacity as an owner of Turbocam. I have personal knowledge of Turbocam's operations, including the management and oversight of its employee health benefits plan.

2. Turbocam, started in 1985, is a privately held, family-owned business. My wife, Suzie Noronha, and I are Turbocam's owners. We are committed evangelical Christians and members of New Frontiers Church. Born and raised in India, I left India in the 1970s to attend engineering graduate school in Montreal, Canada. I remember landing in Montreal with something like six dollars in my pocket. Today, through various trusts, Suzie and I own and operate Turbocam, Inc., and other related businesses in and around Barrington, New Hampshire. Turbocam employs about 600

people in the United States and 400 in the United Kingdom, Romania, the Netherlands, and India.

3. We believe we must honor God with the way we run our businesses and must do so consistently with our religious convictions as expressed in and informed by the Bible. For example, a business we formed and terminated in 1983, called “Directed Energy,” was dedicated to *directing* our *energy* to serving God while pursuing energy conservation. Likewise, as we explain on Turbocam’s website, Turbocam was started as a means of making a living while expressing the virtues of the Kingdom of God that were preached by Jesus Christ. Turbocam Int’l, *About*, <https://www.turbocam.com/about/> (last visited July 10, 2024). Turbocam’s mission statement, published in 1994, is as follows:

Turbocam exists as a business for the purpose of honoring God, creating wealth for its employees, and supporting Christian service to God and people.

Turbocam seeks to accomplish this purpose by achieving excellence in the manufacturing of turbomachinery parts by Five-Axis machining and related technologies and satisfying the needs of our customers for Quality, Price, Delivery and Service.

As we interact with our customers, suppliers, and employees we hold ourselves accountable to God’s law expressed in the Bible. We are committed to integrity in our business and personal relationships.

Turbocam Int’l, *About*, *supra*. Since 1994, every employee has signed a statement to personally support the Mission of the company. The Mission statement signed by new hires includes the following addition: “Turbocam asks for the full support of its employees for its mission, and serves its employees by offering them financial strength and stability in employment, a pleasant and challenging work environment, and opportunity to grow into their God-given potential by training and the sharing of responsibility and

innovation.”

4. Turbocam has a video on its YouTube channel entitled “TURBOCAM’s Mission.” It includes the following narrated statements:

Above all, there is one God who created the universe and all things in it, including his most precious creation: people. God loves his people. He values each individual person in a most special way. So, you see, employees, suppliers, and customers ... are people, the sons and daughters of God, created in His image and loved with an unending love. Turbocam ... is people created by God serving people created by God who then serve more people created by God. And because God loves his people and says they are valuable to him, we value them in the same way. Turbocam exists as a business for the purpose of honoring God, creating wealth for its employees, and supporting Christian service to God and people. ... We honor God by honoring his people and reflecting to them the same love that God has for them.

Turbocam Int’l, *TURBOCAM’s Mission*, YouTube, at 00:50 (Jan. 8, 2021), <https://www.youtube.com/watch?v=gsum58o-ch4>.

5. Over the years, Turbocam has faced certain hard times where it saw significant drops in orders for its products for particular periods. Due to its religious mission and its love for its employees grounded in its religious convictions, Turbocam has usually refused to lay off any of its employees during these times, absorbing the loss through reduced profit margins. Even after a catastrophic drop in orders in 2020 due to the Covid-19 pandemic, Turbocam laid off only a small percentage of its employees—the first time it had laid off any employee. To preserve as many jobs as possible, Turbocam sold shares in another company and a house that was used for visiting staff. Three Noronha family members took significant wage cuts, with two of them taking wage cuts of 100%.

6. Due to our religious beliefs, Turbocam’s employees are not expected to work on Sundays, the Sabbath. Instead, Turbocam runs hundreds of machines that can

work for many hours unmanned. If equipment breaks down, it will be tended on Monday, but no employees are expected to keep the equipment going on Sundays.

7. Both Suzie and I and Turbocam's senior managers receive training in Christian leadership from the Fellowship of Companies for Christ International ("FCCI"), where I have been a board member since 2008. FCCI's vision is to "[t]ransform[] the world through Christ, one company leader at a time." FCCI, *Vision & Beliefs*, <https://www.fcci-site.com/about> (last visited July 10, 2024). Its mission statement is as follows: "In pursuit of Christ's eternal objectives, we equip and encourage Christian business leaders to operate their businesses and conduct their personal lives in accordance with Biblical principles." *Id.* Regarding its "core values," FCCI's members "are dedicated to developing their companies with a Kingdom mindset aligned with [the following] core values:

- God is the Owner, we are stewards of His companies.
- The Bible is the ultimate authority for life and business.
- Prayer is the lifeblood of our relationship with the Owner.
- We are CALLED to work/ministry and living a fully integrated, balanced life is a biblical mandate.
- Integrity is a non-negotiable essential.
- Commitment to Excellence is a hallmark of a Christian in business.
- Community is a key to walking with Christ.
- Being relevant to our time and culture is crucial to our impact.
- Focus on building the Kingdom of God takes priority over building any organization."

Id. (capitalization in original).

8. Due to our religious convictions, Turbocam donates substantially to local, national, and international charitable causes, aiming to meet the spiritual and practical needs of the neediest. Currently, Turbocam provides (or supports) an education for about 2000 school children in three countries. It also supports private Christian education for over 100 New Hampshire children. It also helps provide food for children in local New Hampshire communities who are not usually provided for, typically from Friday noon to Monday mornings, through an organization called End 68 Hours of Hunger. Many Turbocam employees have traveled overseas where the company is active in meeting the needs of the poor to be involved personally in its giving. At the 15th year of employment, employees are offered an overseas vacation to experience poorer nations. Similarly, those who have never participated in an overseas mission trip are also afforded such an opportunity.

9. In January 2024, Turbocam celebrated 25 years of a unique effort: the redemption of 42 families from slavery in Nepal, a country to the north of India. In 1998, we learned that about 200,000 people were being held in slavery in Nepal. At that time Turbocam had a small manufacturing business in Goa, India. Due to our Christian faith, the next January I worked with Christian churches in rural western Nepal to buy seven families out of slavery and bought agricultural land on which to settle them. In January 2000, I bought another 35 families out of slavery and established three villages for them to live in: Faith Town, Hope Town, and Love Town. In July 2000, due in part to Turbocam's work, the government of Nepal recognized the problem of slavery and the solution being offered and decreed that the remaining 36,000 enslaved families

(200,000 people) be freed from bondage. Turbocam has funded all its efforts in Nepal for over 25 years, and employees from all of its divisions have contributed to the building of schools, water treatment systems, teaching and transferring technology and equipment, and teaching in the churches.

10. As part of its care for its employees, Turbocam provides its employees with healthcare coverage through a self-funded health benefits plan. The third-party administrator (“TPA”) of this plan is Health Plans, Inc.

11. Turbocam employees that elect coverage through Turbocam health plans pay a designated portion based on the plan and level of coverage they elect. Turbocam pays the cost of covered health services for its employees instead of paying a monthly premium except for high-cost claims over \$100,000.00 which are paid by a reinsurer.

12. According to the American Psychological Association, the psychological condition now known as “gender dysphoria” is a distressing discordance between a person’s biological sex and sense of “gender identity.” Am. Psych. Ass’n, *Diagnostic and Statistical Manual* 451–53 (5th ed. 2013).

13. Turbocam’s health plan contains an exclusion that precludes coverage for “[g]ender dysphoria treatment, including but not limited to, counseling, gender reassignment surgery or hormone therapy and related preoperative and postoperative procedures, which, as their objective, change the person’s sex and any related complications.” ECF No. 21-2 at 8.

14. Suzie’s and my Christian faith and religious convictions preclude us from providing these interventions in Turbocam’s health plan. We are members of New Frontiers Church, which holds to the traditional Biblical teachings about marriage,

sexual expression, and gender. Among other things, we believe God created man in his own image, male and female, equal in dignity and value. We believe that together, these two distinct, immutable, and complementary sexes reflect the image, nature and glory of God. *See* Genesis 1:26–28 (“God created mankind in his own image, in the image of God he created them; male and female he created them.”); Genesis 9:6 (“in the image of God has God made mankind”); Matthew 19:4–6 (“at the beginning the Creator ‘made them male and female’”). Accordingly, we believe that one’s sex is ordained by God and should not be erased or obscured by medical treatment or in any other way. We believe that God will not allow the use of Turbocam’s resources, including its health plan, to assist employees in erasing or obscuring their sex, and that it would be sinful to ignore God’s commands. *See, e.g.,* James 4:17 (“Submit yourselves, then, to God.”); 1 John 2:3–6 (“Whoever says, ‘I know Him,’ but does not do what He commands is a liar, and the truth is not in that person.”).

15. We condemn discrimination on the basis of sexual orientation and transgender status. We hire employees and provide health insurance regardless of sexual orientation or transgender status. We simply elect to not fund interventions that erase an individual’s sex, and we adhere to that limitation for all people.

16. If the current TPA can no longer administer Turbocam’s employee health benefits plan with the disputed exclusion for gender dysphoria, Turbocam will face a Hobson’s choice. Turbocam will need to either: (1) remove the exclusion and pay for gender dysphoria treatment, violating Suzie’s and my religious beliefs in the process; or (2) stop offering its employees health insurance at all, seriously impairing its ability to hire and retain a qualified workforce. *See Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S.

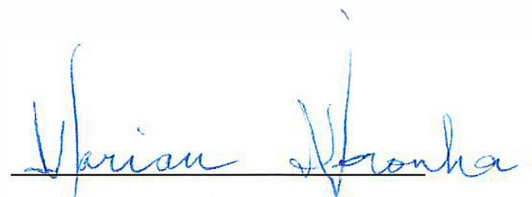
682, 722 (2014) (discussing this tradeoff). Moreover, Turbocam would also face a fine of over \$2,000 from the federal government under the Affordable Care Act. *See id.* at 720–21; IRS, *Employer Shared Responsibility Provisions*, <https://www.irs.gov/affordable-care-act/employers/employer-shared-responsibility-provisions> (last updated Nov. 14, 2023). And Turbocam would suffer other financial harm that would make it less competitive, as “employers can deduct the cost of providing health insurance, but apparently cannot deduct the amount of the penalty that they must pay if insurance is not provided.” *Hobby Lobby*, 573 U.S. at 722 (citation omitted).

17. The TPA’s attorneys have informed Turbocam that they do not intend to argue that the Religious Freedom Restoration Act provides a defense to Count VI of the Complaint. Turbocam is thus the only party with an interest in litigating this defense.

[Signature page follows.]

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 10th day of July, 2024.


Marian Noronha